



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,850	07/31/2003	Johnny C. Hancock	20868.00	1980

7590 02/12/2004

Richard C. Litman  
LITMAN LAW OFFICES, LTD.  
P.O. Box 15035  
Arlington, VA 22215

EXAMINER
----------

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/630,850

Applicant(s)

HANCOCK, JOHNNY C.

Examiner

Dennis H. Pedder

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/31/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: carrying case having quick-disconnect mounting mechanisms, fabric main body attached to said carrying case, fabric main body having attachment mechanisms attached to the vehicle, rods assembled and attached to said flexible fabric main body, claim 1, rods attached to the carrying case at a first end, claim 5.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the details listed above in paragraph 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3612

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Kuwahara et al. and Bayerle et al..

Allen discloses the carrying case in column 4, disclosing that such a case may be mountable to the rear rack. Allen has main body 50/22/26, flexible and collapsible rods 16,18 attached to the fabric main body via sleeves 56,58 and side curtains 24,25. Thus Allen lacks the teaching of a quick disconnect mechanism for the case, the main body attached to the case and the fabric having attachment mechanisms at a vehicle front. Kuwahara et al. teach that a fabric body may be attached to a case and the case attached to the vehicle via a belt or strap 22, considered quick. Bayerle et al. teach that a fabric may be attached to the ATV front via a variety of devices including straps, bungee cords, ties, etc. all conventional devices.

Inasmuch as all of these references are prior to the invention of applicant and are from within the field of endeavor of applicant, vehicle covers, these teachings are deemed to be in the public domain and no patent can issue for such. Thus, it would have been obvious to one of ordinary skill to provide in Allen a main body attached to a case and the case quickly attached to the vehicle as taught by Kuwahara et al. in order to speed assembly and disassembly and further to attach the front of the cover to the vehicle as taught by Bayerle et al. in order to avoid inadvertent opening via the wind, etc..

See window 32, claim 2, nylon, claim 6, cross supports 20 secured at fabric fasteners 56,58, claims 7,8, curtain fasteners of hook and loop, column 4, line 2, claims 10-12, hollow cylindrical sections a-e,28, elastic shock cord 30, and rigid end fasteners to

Art Unit: 3612

members a-e, placed into the hollow section of and adjacent section 28, claims 13-14, all in the referenced patent to Allen.

As to claim 4, the bag of Kuwahara et al. is a conventional synthetic resin for both the cover and bag. Inasmuch as Allen teaches the cover of nylon, a fabric, formation of the bag via these teachings is deemed to be an obvious expedient to one of ordinary skill using materials that are proven in this environment.

As to claim 5, inasmuch as the claims are open ended as to the structure of attachment, the teachings of both Allen as modified by Kuwahara et al. wherein the rods are attached to the case via the brackets 40, and to the case via the intervening rack, or the teachings of Allen in view of Kuwahara et al. and Bayerle et al. wherein the rods are attached to the rack via straps, bungee cords, ties, etc. and to the case via the intervening rack are both valid prior art teachings of obviousness. Bayerle et al. teaches straps, bungee cords, ties, etc. at a fabric front, thus attaching the rods to the vehicle structure.

### ***Conclusion***

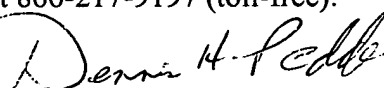
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stuck shows another ATV cover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

2/6/04

DHP